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10/015,235	12/13/2001	Timothy Alan Dietz	AUS920010924US1	6288
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DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			EXAMINER PILLAI, NAMITHA	
			ART UNIT 2173	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/015,235	<b>Applicant(s)</b> DIETZ ET AL.	
	<b>Examiner</b> Namitha Pillai	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/15/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-27 and 29-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-27 and 29-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The Examiner acknowledges Applicant's submission on 6/15/07 including amendments to claims 1, 3, 8, 17, 20, 21, 22, 24, 29, 38, 41 and 42 and the cancellation of claims 7 and 28. The indicated allowability of claims 7 and 28 is withdrawn in view of the newly discovered reference(s) to U. S. Publication No. 2003/0033331 A1 (Sena et al.), herein referred to as Sena. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22 and 38 are rejected for reciting the limitation "the neutral viewable format" in reference to the viewable format. There is insufficient antecedent basis for this limitation in the claim.

Since claims 23-27, 29-37, 39 and 40 depend on claims 22 and 38 and include all of the limitations of these claims, claims 23-27, 29-37, 39 and 40 are rejected under 35 U.S.C. 112, second paragraph.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-27 and 29-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,012,086 (Lowell), International Publication Number WO 01/50226 A2 (Braun et al.), herein referred to as Braun and Sena.

Referring to claims 1, 22 and 41, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses receiving user input for use in managing the media data stream, wherein the user input includes an identification of a source of the media data stream and start time (column 6, lines 22-46). Lowell also discloses requesting the media data stream using the start time and the identification the source (column 6, lines 25-34). Lowell also discloses storing the formatted media data stream on a storage media (column 6, lines 64-66). Lowell discloses the importance of the format of the data stream and user transforming the format of the media data (column 10, lines 1-3) that is recorded but does not disclose the user inputting a desired format. Lowell discloses converting the media data (column 8, lines 35-50) but does not disclose details related to the converting of the media data into a desired format to form a formatted media data stream. Braun discloses recording media data including teaching the formatting of media data into a viewable desired format that results in a formatted media data stream (page 2, lines 1-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Braun to convert the media data into a desired format of a formatted media data stream. Lowell has clearly pointed out that the input fields displayed could be of various types requiring the input of various types of

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data, which includes a desired format (column 7, lines 1-3). Lowell further points out that the user may have the option to choose or change the format of the media data therefore making the display of a desired format input field an obvious teaching when recording and playing back media data (column 10, lines 1-3). Furthermore, Lowell has disclosed a conversion process occurring to convert the media data (column 9, lines 40-50) with Braun clearly teaching how conversion occurs in order to generate a viewable format in a desired format of media data stream, and with Braun disclosing this conversion process as a common and necessary process for viewing formatted media stream data (page 2, lines 1-25). Braun discloses the various types of formatted media stream data that can be generated (page 1, lines 15-17). Therefore, it would have been obvious to one skilled in the art, at the time of the invention to display an input field for a desired format and to learn from Braun to convert media data in order to generate a viewable format including a desired format of media data stream.

Lowell and Braun do not disclose a format conversion process involving two steps with an intermediate viewable format. Sena discloses identifying an initial format of a media stream and converting the media stream to a first viewable output format (page 4, paragraph 63, lines 1-5), the intermediate format being the digital media output format which is viewable and is further formatted to allow multiple users to access the same data. Sena discloses a further conversion step where the viewable output format is converted to a desired format, where the desired format is accessible to multiple users (page 4, paragraph 63, lines 1-10). It would have been obvious to one skilled in the art at the time of the invention to learn from Sena to disclose format conversion

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process that includes first converting to an intermediate viewable format. Sena discloses format conversion is a needed process when involving data of multiple formats, where this conversion process allows for multiple users to access data that may be in one specific format (page 1, paragraph 9, lines 11-20 and paragraph 10). Therefore, this provides motivation for one skilled in the art at the time of the invention to learn from Sena a format conversion process that includes first converting to an intermediate viewable format.

Referring to claims 2 and 23, Lowell discloses that the user input includes an identification location of the media (column 6, lines 23-26).

Referring to claims 3, 18, 24 and 39, Lowell discloses that the storage media is at least one of a hard disk drive, recordable compact disc, re-writable compact disc, floppy disk, memory stick and a flash memory (column 6, lines 63-67, column 7, lines 1-5 and column 9, lines 19-25).

Referring to claims 4 and 25, Lowell discloses that the identification of the source is a universal resource locator (column 6, lines 23-24).

Referring to claims 5 and 26, Lowell discloses that the user input includes user identification and a password (column 5, lines 45-46).

Referring to claims 6 and 27, Lowell discloses that the requesting step includes using the user identification and the password to request the media data stream (column 5, lines 31-46).

Referring to claims 8 and 29, Lowell, Braun and Sena disclose set of codecs which are used to convert the media data streams from the initial format, to the viewable

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format and from the viewable format to the desired format (Sena, page 5, paragraphs 71 and 72). The modules represent codecs which both compress and decompress data for the media conversion process.

Referring to claims 9 and 30, Lowell discloses that the viewable format is a format displayable by an operating system in the data processing system (column 2, lines 60-67).

Referring to claims 10 and 31, Lowell discloses that the desired format is an audio format and the media data stream includes video and audio and converting only audio portions of the media data stream into the audio format (column 5, lines 22-30), wherein Lowell discloses the media data stream containing both audio and video data but formatting done appropriately for the radio in Figure 3 to play the audio format, wherein clearly this radio is only capable of playing the audio data and hence would only covert the audio data.

Referring to claims 11 and 32, Lowell discloses wherein the audio format is a Moving Pictures Expert Group audio layer 3 format (column 9, lines 40-50).

Referring to claims 12 and 33, Lowell discloses that the media is a live broadcast of an event (column 5, lines 14-15).

Referring to claims 13 and 34, Lowell discloses that the set of controls includes a play button, record button, a fast forward button, and a rewind button (Figure 3).

Referring to claims 14 and 35, Lowell discloses that the user input is received in at least one input screen (Figure 4).

Referring to claims 15 and 36, Lowell and Braun discloses that the user input field would be of varying types including format data and input of desired format of the media stream data, this being an obvious feature as Lowell has described that the input fields could hold any type of data which would include format data (column 7, lines 8-10).

Referring to claims 16 and 37, Lowell discloses that the graphical user interface further includes a control to select a location to store the media data stream (column 6, lines 63-66).

Referring to claims 17, 38 and 42, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses controls for use in managing a media data stream, wherein the set of controls includes a second control used to select location to store the media data stream (column 6, lines 23-25 and lines 63-66). Lowell also discloses receiving user input selecting the location (column 6, lines 23-25 and lines 63-66). Lowell discloses responsive to receiving the media data stream, converting the media data stream into the format (column 9, lines 35-50). Lowell discloses storing the formatted media data stream in the location (column 6, lines 63-66). Lowell discloses the importance of the format of the data stream and user transforming the format of the media data (column 10, lines 1-3) that is recorded but does not disclose the user inputting a desired format. Lowell discloses converting the media data (column 8, lines 35-50) but does not disclose details related to the converting of the media data into a



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desired format to form a formatted media data stream. Braun discloses recording media data including teaching the formatting of media data into a viewable desired format that results in a formatted media data stream (page 2, lines 1-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Braun to convert the media data into a desired format of a formatted media data stream. Lowell has clearly pointed out that the input fields displayed could be of various types requiring the input of various types of data, which includes a desired format (column 7, lines 1-3). Lowell further points out that the user may have the option to choose or change the format of the media data therefore making the display of a desired format input field an obvious teaching when recording and playing back media data (column 10, lines 1-3). Furthermore, Lowell has disclosed a conversion process occurring to convert the media data (column 9, lines 40-50) with Braun clearly teaching how conversion occurs in order to generate a viewable format in a desired format of media data stream, and with Braun disclosing this conversion process as a common and necessary process for viewing formatted media stream data (page 2, lines 1-25). Braun discloses the various types of formatted media stream data that can be generated (page 1, lines 15-17). Therefore, it would have been obvious to one skilled in the art, at the time of the invention to display an input field for a desired format and to learn from Braun to convert media data in order to generate a viewable format including a desired format of media data stream.

Lowell and Braun do not disclose a format conversion process involving two steps with an intermediate viewable format. Sena discloses identifying an initial format of a media stream and converting the media stream to a first viewable output format

(page 4, paragraph 63, lines 1-5), the intermediate format being the digital media output format which is viewable and is further formatted to allow multiple users to access the same data. Sena discloses a further conversion step where the viewable output format is converted to a desired format, where the desired format is accessible to multiple users (page 4, paragraph 63, lines 1-10). It would have been obvious to one skilled in the art at the time of the invention to learn from Sena to disclose format conversion process that includes first converting to an intermediate viewable format. Sena discloses format conversion is a needed process when involving data of multiple formats, where this conversion process allows for multiple users to access data that may be in one specific format (page 1, paragraph 9, lines 11-20 and paragraph 10). Therefore, this provides motivation for one skilled in the art at the time of the invention to learn from Sena a format conversion process that includes first converting to an intermediate viewable format.

Referring to claims 19 and 40, Lowell discloses that the format is MPEG or MP3 (column 9, lines 41-45).

Referring to claim 20, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses a bus system, a communications unit connected to the bus system, a memory connected to the bus system, wherein the memory includes a set of instructions and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions (column 2, lines 60-67 and column 3, lines 1-30). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a

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media data stream (Figure 3). Lowell discloses receiving user input for use in managing the media data stream, wherein the user input includes an identification of a source of the media data stream and start time (column 6, lines 22-46). Lowell also discloses requesting the media data stream using the start time and the identification the source (column 6, lines 25-34). Lowell discloses responsive to receiving the media data stream, converting the media data stream into the format (column 9, lines 35-50). Lowell also discloses storing the formatted media data stream on a storage media (column 6, lines 64-66). Lowell discloses the importance of the format of the data stream and user transforming the format of the media data (column 10, lines 1-3) that is recorded but does not disclose the user inputting a desired format. Lowell discloses converting the media data (column 8, lines 35-50) but does not disclose details related to the converting of the media data into a desired format to form a formatted media data stream. Braun discloses recording media data including teaching the formatting of media data into a viewable desired format that results in a formatted media data stream (page 2, lines 1-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Braun to convert the media data into a desired format of a formatted media data stream. Lowell has clearly pointed out that the input fields displayed could be of various types requiring the input of various types of data, which includes a desired format (column 7, lines 1-3). Lowell further points out that the user may have the option to choose or change the format of the media data therefore making the display of a desired format input field an obvious teaching when recording and playing back media data (column 10, lines 1-3). Furthermore, Lowell has disclosed a

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conversion process occurring to convert the media data (column 9, lines 40-50) with Braun clearly teaching how conversion occurs in order to generate a viewable format in a desired format of media data stream, and with Braun disclosing this conversion process as a common and necessary process for viewing formatted media stream data (page 2, lines 1-25). Braun discloses the various types of formatted media stream data that can be generated (page 1, lines 15-17). Therefore, it would have been obvious to one skilled in the art, at the time of the invention to display an input field for a desired format and to learn from Braun to convert media data in order to generate a viewable format including a desired format of media data stream.

Lowell and Braun do not disclose a format conversion process involving two steps with an intermediate viewable format. Sena discloses identifying an initial format of a media stream and converting the media stream to a first viewable output format (page 4, paragraph 63, lines 1-5), the intermediate format being the digital media output format which is viewable and is further formatted to allow multiple users to access the same data. Sena discloses a further conversion step where the viewable output format is converted to a desired format, where the desired format is accessible to multiple users (page 4, paragraph 63, lines 1-10). It would have been obvious to one skilled in the art at the time of the invention to learn from Sena to disclose format conversion process that includes first converting to an intermediate viewable format. Sena discloses format conversion is a needed process when involving data of multiple formats, where this conversion process allows for multiple users to access data that may be in one specific format (page 1, paragraph 9, lines 11-20 and paragraph 10).

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Therefore, this provides motivation for one skilled in the art at the time of the invention to learn from Sena a format conversion process that includes first converting to an intermediate viewable format.

Referring to claim 21, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses a bus system, a communications unit connected to the bus system, a memory connected to the bus system, wherein the memory includes a set of instructions and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions (column 2, lines 60-67 and column 3, lines 1-30). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses controls for use in managing a media data stream, wherein the set of controls includes a control used to select location to store the media data stream (column 6, lines 23-25 and lines 63-66). Lowell also discloses receiving user input selecting the location (column 6, lines 23-25 and lines 63-66). Lowell discloses responsive to receiving the media data stream, converting the media data stream into a format (column 9, lines 35-50). Lowell discloses storing the formatted media data stream in the location (column 6, lines 63-66). Lowell discloses the importance of the format of the data stream and user transforming the format of the media data (column 10, lines 1-3) that is recorded but does not disclose the user inputting a desired format. Lowell discloses converting the media data (column 8, lines 35-50) but does not disclose details related to the converting of the media data into a desired format to form a formatted media data stream. Braun discloses recording

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media data including teaching the formatting of media data into a viewable desired format that results in a formatted media data stream (page 2, lines 1-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Braun to convert the media data into a desired format of a formatted media data stream. Lowell has clearly pointed out that the input fields displayed could be of various types requiring the input of various types of data, which includes a desired format (column 7, lines 1-3). Lowell further points out that the user may have the option to choose or change the format of the media data therefore making the display of a desired format input field an obvious teaching when recording and playing back media data (column 10, lines 1-3). Furthermore, Lowell has disclosed a conversion process occurring to convert the media data (column 9, lines 40-50) with Braun clearly teaching how conversion occurs in order to generate a viewable format in a desired format of media data stream, and with Braun disclosing this conversion process as a common and necessary process for viewing formatted media stream data (page 2, lines 1-25). Braun discloses the various types of formatted media stream data that can be generated (page 1, lines 15-17). Therefore, it would have been obvious to one skilled in the art, at the time of the invention to display an input field for a desired format and to learn from Braun to convert media data in order to generate a viewable format including a desired format of media data stream.

Lowell and Braun do not disclose a format conversion process involving two steps with an intermediate viewable format. Sena discloses identifying an initial format of a media stream and converting the media stream to a first viewable output format (page 4, paragraph 63, lines 1-5), the intermediate format being the digital media output

format which is viewable and is further formatted to allow multiple users to access the same data. Sena discloses a further conversion step where the viewable output format is converted to a desired format, where the desired format is accessible to multiple users (page 4, paragraph 63, lines 1-10). It would have been obvious to one skilled in the art at the time of the invention to learn from Sena to disclose format conversion process that includes first converting to an intermediate viewable format. Sena discloses format conversion is a needed process when involving data of multiple formats, where this conversion process allows for multiple users to access data that may be in one specific format (page 1, paragraph 9, lines 11-20 and paragraph 10). Therefore, this provides motivation for one skilled in the art at the time of the invention to learn from Sena a format conversion process that includes first converting to an intermediate viewable format.

### ***Conclusion***

4. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for managing media data streams.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in

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37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

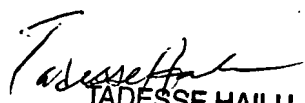


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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Patent Examiner  
Art Unit 2173  
October 10, 2007

  
TADESSE HAILU  
PRIMARY EXAMINER